

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-14-01
WETTINGTON ACRES PHASE 2
OCTOBER 29, 2014

A report to the Flathead County Board of Commissioners regarding a request for preliminary plat approval of Wettington Acres Phase 2, a major subdivision that would create 40 single family residential lots planned to be developed in three separate phases. Located southeast of Kalispell, the subject property is situated on the east side of US Highway 2 between Swiss Drive and Redwing Court.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on November 12, 2014 to review the proposal and make a recommendation to the Flathead County Commission. Final action on this proposal by the governing body must be taken prior to the review deadline of December 8, 2014. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposal is not located within the advisory area of a Land Use Advisory Council.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on November 12, 2014 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

C. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to December 8, 2014 which is the end of the 60 working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Project Personnel

i. Developer/Owner

Wayne and Peggy Turner
3300 Highway 2 West
Kalispell, MT 59901

ii. Technical Assistance

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

Environmental Consulting Services
2 Village Loop
Kalispell, MT 59901

Billmayer & Hafferman
P.O. Box 1139
Kalispell, MT 59901

B. Project Description

The request is for preliminary plat approval of Wettington Acres Phase 2, proposed to create 40 single-family residential lots served by an existing public water system and individual wastewater treatment systems on 47.45 acres of land, with a 4.56 net acre park area proposed to be dedicated to Flathead County for use as a public regional park. Primary access to the subdivision would be from Swiss Drive and Wettington Drive via US Highway 2 and additional access to the eastern side of the subdivision would be from Redwing Court via Smith Lake Road and Bighorn Drive.

The application includes a variety of documents aimed to address the applicable review criteria as well as unique elements and circumstances associated with the proposal.

Environmental Documents

- Addressing environmental considerations and the applicable statutory review criteria the application submittal includes an environmental assessment and associated supporting documents. Note, during the completeness and sufficiency reviews, the technical representative submitted cover letters of explanation with additional information on July 9 and August 19, 2014 and these are integrated into the current application for applicable reference.

Access/Traffic

- The preliminary plat indicates the proposed internal road network designed to comply with applicable Flathead County standards.
- Pertaining to legal and physical access to the subdivision across neighboring private roads, and existing maintenance provisions of those roads, the application submittal includes copies of appurtenant easement, deed, road user agreement, COS, and Plat documents.
- Pertaining to vehicular access and traffic anticipated to be generated by the subdivision the application submittal includes a Transportation Impact Study (TIS) which evaluates the impact of traffic estimated to be generated by the subdivision on area roads.

Water and Sewer

- Regarding use of the existing Wettington Water District (WWD) public water system the application submittal includes copies of various correspondences between the developer, Billmayer and Hafferman, Inc., and the Montana Department of Environmental Quality (MDEQ) regarding water availability.
- Regarding the proposed use of individual wastewater Treatment systems for each lot the application submittal includes a 'Non-degradation Predetermination' issued by MDEQ.

Parkland

- The proposal to dedicate parkland to Flathead County for use as a regional public park is coupled with a proposal to establish a 'bank' of parkland credit to be applicable for the benefit of future subsequent subdivisions by the developer, and the application submittal includes a draft Memorandum of Understanding (MOU)

between the developer and the Flathead County Parks and Recreation Department.

Phasing Plan

As the subdivision is planned to be developed in three separate chronological phases, the application submittal includes a phasing plan.

- Intending to integrate the development concept of the proposed subdivision with that of the adjacent existing Wettington Acres Subdivision which was previously developed by the applicant, the current proposed subdivision is called Wettington Acres Phase 2, and the proposed phases of the proposed Wettington Acres Phase 2 preliminary plat are referred to as Phases 2A, 2B, and 2C.
- Subdivision improvements and estimated timelines associated with each phase are outlined in the phasing plan with each phase being developed with its appurtenant utility, water, and road infrastructure anticipated to be completed as subdivision improvements prior to final plat approval of the particular Phase.

C. Legal Description of Subject Property

The proposed subdivision would occur upon one tract of record that can be legally described as Tract 1 of Certificate of Survey #19748, aka as Assessor's Tract 4ABB, located in Section 29 Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

D. Detailed Location

Located east of US Highway 2 approximately 6 miles southwest of Kalispell, the subject property is situated between Swiss Drive and Redwing Court (refer to Figure 1).

Figure 1- Subject property (highlighted yellow) and vicinity



E. Subdivision Layout Detail

i. Total Subdivision Acreage:	47.55 acres
ii. Acreage in Lots:	36.02 acres
iii. Acreage in Roads:	6.86 acres
iv. Total Park/Common Area/Open Space Acreage	4.56 net acres
v. Minimum Lot Size	1.00 acres
vi. Maximum Lot Size	1.29 acres
vii. Overall Gross Lot Density:	1 dwelling unit per 1.18 acres
viii. Easements	

The preliminary plat indicates:

- Existing 60-foot private road and utility easements of Swiss Drive and Redwing court which provide direct physical access to the subdivision;
- Proposed 60-foot wide private road and utility easements of the proposed internal subdivision roads and water system extensions;
- Proposed 20-foot drainage easement along boundary of Lots 10 and 11 and extending northward offsite;
- Existing 20-foot utility easement of existing waterline serving adjacent subdivisions and traversing the proposed subdivision along north boundary of Lots 6-12 and crossing Lots 39 and 40 and the proposed park;
- Proposed 30-foot utility easement along south boundary of Lots 27, 28, and 29.

ix. Common Areas

The preliminary plat indicates the proposed park on the western side of the subdivision directly accessed by Swiss Drive. The park is proposed to be dedicated to Flathead County as a public regional park.

F. Administrative Characteristics

i. Current Land Use

The subject property is comprised of open vacant fields which have been used for agricultural purposes (refer to Figure 2).

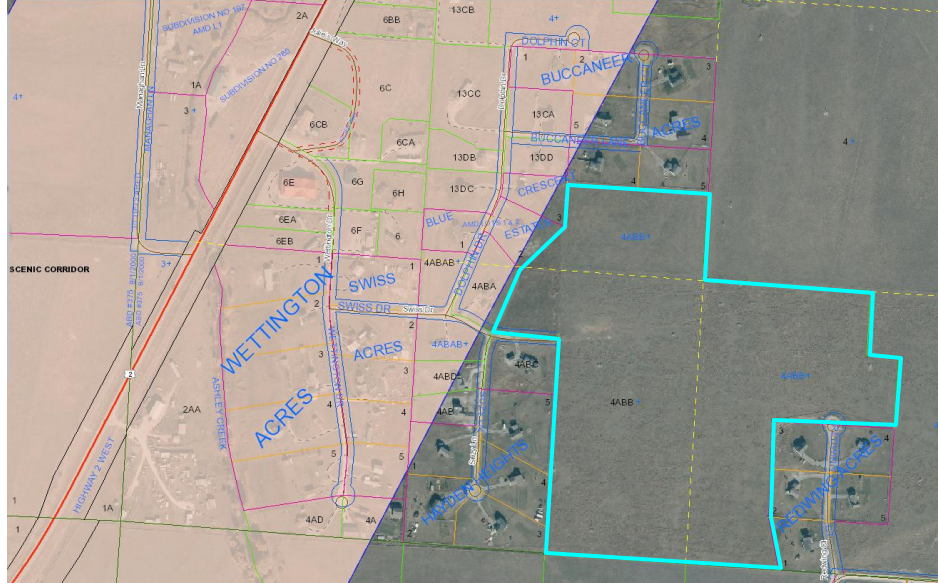
Figure 2 - Current land use and land cover (subject property shown blue)



ii. Current Zoning

Located in the Smith Valley between Kalispell and Kila, the subject property is currently not zoned (see Figure 3 below).

Figure 3 - Existing zoning on the subject property (Property shown blue)



iii. Proposed Land Use

The request is for preliminary plat approval of Wettington Acres Phase 2, a 40-lot single-family residential subdivision planned to be developed in three separate phases on the 47.45 acre subject property, with approximately five acres planned for parkland. All lots would be served by individual wastewater treatment systems and a proposed extension of the existing Wettington Water District's public water system.

G.Area Characteristics

i. Description of Area Surrounding Proposed Subdivision

Located 1/3 mile east of US Highway 2, the character of the area surrounding the proposed subdivision is predominantly agricultural and rural residential with limited industrial and commercial land uses situated in general proximity to the highway.

ii. Zoning

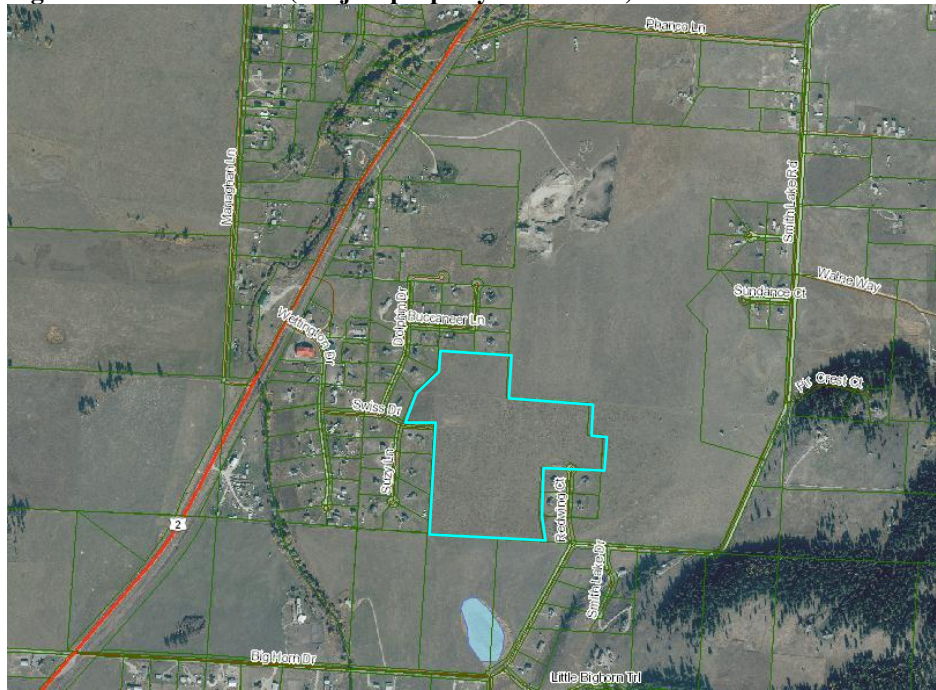
As shown in Figure 3 the subject property is located within an un-zoned area. While the subject property is bordered to the west by a ‘SC Scenic Corridor’ standing district, areas to the north, south and east of the subject property are un-zoned.

iii. Land Uses

As shown in Figure 4 below, the subject property is situated in an area developed with a mix of agricultural and residential uses. Limited instances of industrial and commercial uses occur in the area. Of note is the Smith Valley Volunteer Fire Department located at the intersection of Wettington Drive and Highway 2 and the

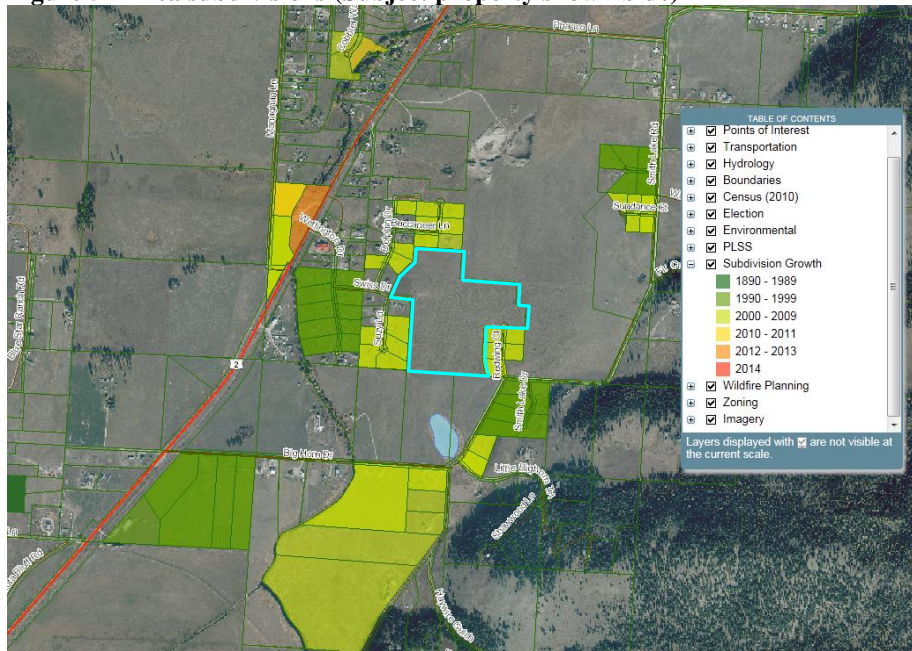
gravel pit located approximately .33 miles north of the proposed subdivision which is proposed to accommodate stormwater runoff from the subdivision.

Figure 4 - Area land use (Subject property shown blue)



iv. Previously Considered Subdivisions in Area

Figure 5 - Area subdivisions (Subject property shown blue)



As shown in Figure 5 above, area properties are a combination of parcels created through subdivision review and tract land created through Certificate of Survey and other exemptions. There are five platted subdivisions in direct proximity to the proposed subdivision (Wettington Acres, Hayden Heights, Blue Crescent Estates,

Buccaneer Acres, and Redwing Acres) and other certain other COS tracts which are pertinent to the proposed subdivision as they share existing road, utility, and public water system infrastructure which would be used by Wettington Acres Phase 2. The cited neighboring subdivisions and COS tracts are also served by the Wettington Water District and therefore have bearing on water availability to the subdivision, and additionally these subdivision lots and COS tracts are included in road and utility easements and other common shared documents such as existing and proposed road maintenance agreements.

H. Utilities and Services

- i. Water**
Connection to public water system of Wettington Water District
- ii. Wastewater**
Individual wastewater treatment systems
- iii. Electricity**
Flathead Electric Cooperative
- iv. Natural Gas**
None
- v. Solid Waste**
Contract Haul- Evergreen Disposal
- vi. Telephone Service**
Century Tel
- vii. School District(s)**
Smith Valley (K-8), Flathead High School
- viii. Fire District(s)**
Smith Valley Volunteer Fire District
- ix. Police**
Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Comments

The subdivision file contains a copy of the agency referral document sent on September 29, 2014. As of the date of completion of this staff report, the following comments have been received:

- Jim Chilton, Flathead County Solid Waste
 - The District views no negative impact with solid waste issues at this time and requests all new subdivisions use the Public Service Commission licensed hauler for the area to haul solid waste to the landfill.
- Wendee Jacobs, Flathead City-County Health Department
 - Regarding wastewater treatment, the comment indicates there has been a pre-determination of non-degradation approved by MDEQ pertaining to potential impacts to groundwater from nitrates and phosphorous. The pre-determination of non-degradation is based on primary and replacement drainfield locations and orientation relative to the underlying shallowest aquifer which apparently is a confined aquifer which nitrate cannot effect according to applicable guidelines.

- The proposed development including its plans for sewage treatment, water supply, solid waste disposal, and stormwater drainage must be reviewed by this office under the Sanitation in Subdivisions Act. To date, no application for the Joint review of the subdivision has been received by the department.
- An individual septic permit will be required for each drainfield in the proposed subdivision.
- Emily Gillespie, Montana Department of Environmental Quality
 - The comment addresses a water capacity analysis conducted by the department which has found there is adequate water capacity existing in the water system to serve the 40-lot subdivision. The comment includes copies of two correspondences pertaining water capacity (DEQ Comment attachments 2 & 3).
 - The comment raises a question about whether the existing Wettington water system has adequate water rights and indicates the matter of applicable water rights must be clarified and demonstrated prior to final plat of the proposed subdivision. The comment includes copy of a September 19, 2014 Memorandum of Understanding between the DNRC and DEQ (DEQ Comment attachment 1) which is the basis of the DEQ stance on the water rights issue.
- Marc Pitman, Montana DNRC
 - Comment focuses on the process which will need to be followed by the developer in order to obtain the necessary water rights for the addition of the proposed 40 subdivision lots to the existing Wettington Acres public water system.
- Dave Prunty, Public Works/Flathead County Road Department
 - Comment indicates the developers approach to road issues is acceptable and notes all roads and improvements must be constructed to the standards contained in the Flathead County Road and Bridge Department's *Minimum Standards For Design and Construction* effective November 17, 2009.
 - Comment indicates concern related to likelihood of increased generation of dust on Smith Lake Road from traffic using the Redwing Court access to the proposed subdivision, noting the Department recommended paving of a 1000 foot gravel stretch of Smith Lake Road when the developer applied for the Redwing Court approach permit in 2003.
 - Comment indicates concern related to the possible creation of a County park within the subdivision as the public park would be accessed via private roads, noting the roads accessing the subdivision are privately maintained by various owners outside the proposed subdivision. The comment expresses concern the Road and Bridge Department will be called upon in the future to maintain the private roads accessing the public park due to deterioration of the roads with time and traffic resulting from public park use, and Prunty notes "since the early 1980's we have not taken on more roads within the maintenance network."
- James Freyholtz, Montana Department of Transportation
 - Comment acknowledges the subdivision would have two points of access and that the primary access would be from Wettington Drive and Swiss Drive via Highway 2 , and the left-turn lane called for in the submitted Traffic Impact Study

is included in MDT's current reconstruction project. He has no other comments regarding this proposal.

- DC Haas, Fire Chief, Smith Valley Fire District
 - Comment indicates 1) the District requests paved cul-de-sacs at certain locations to accommodate fire engine egress 2) residential structures should have addresses sufficiently visible 3) the private fire hydrant system must have annual inspections and testing of hydrants, proper clearance and access, and the District maintains a right to periodically test performance evaluation on fire hydrants.
- Nathan Holm, Flathead County GIS Department
 - Comment indicates the proposed extension of the existing road name Swiss Drive and use of the new name Swiss Loop are approved by the Flathead County GIS Department.
- Peggy Beekman-Weyant, Bonneville Power Administration
 - Indicated the proposal will not impact any BPA transmission line corridors, and BPA has no objections to the approval of the request.
- Kenny Breidinger & Alan Wood, Montana Fish Wildlife and Parks
 - The comment indicates Montana Fish wildlife and Parks has no comment on the proposal.
- Steve Robinson, Flathead County Weed, Parks, and Recreation
 - The comment indicates the site may possess noxious weeds which are prone to proliferation when soil is disturbed. The comment provides information useful to minimize weeds and requests a weed prevention plan be established for the subdivision.

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on October 23, 2014, legal notice was published in the Daily Interlake on October 26, 2014, and notice of the proposal and public hearing was physically posted onsite on November 29, 2014.

As of the date of the completion of this staff report, no written public comments have been received from the general public regarding the proposal. Any written public comment received after October 29, 2014 will be summarized verbally and entered into the public record during the Planning Board hearing on November 12, 2014. Anyone wishing to provide verbal public comment may do so in person at the November 12, 2014 Planning Board hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed. Definitions of primary review criteria can be found in Section VIII of this report and in Chapter 2 of the Flathead County Development Code.

i. Impact on Agriculture

The subject property has historically been used for livestock pasture. While the predominant Prospect Loam (Pb) 3-7% slope soils on the property have a capability class of IIe-2, crop production is apparently limited due to limited rainfall and proneness to drought. Neighboring properties to the north, south, and east of the subject property appear to be used for similar agricultural uses, and neighboring properties to the west are primarily used for residential purposes. While the proposal would result in a reduction in agricultural production onsite, it does not appear the proposal would impact the ability of neighboring properties to continue to be used for agriculture. The evaluation of the submitted Preliminary Plat, Environmental Assessment, and supporting documentation included with the application has identified no adverse impacts to onsite or area agriculture which would necessitate special mitigation.

Finding #1

The development's impact on agriculture would be minimal and limited to the subject property because adjacent properties are not dependent upon the subject property for continued agricultural use.

ii. Impact on Agricultural Water User Facilities

As indicated in the submitted Environmental Assessment, the developer owns a large water right on nearby Ashley Creek and the water right is not currently in use as there is no pump or pipe established in the creek. The subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties. The submitted application indicates the developer's interest in negotiating with the Flathead County Parks Board and Parks and Recreation department to use a portion of the water right for irrigation of the proposed county park in the event the county approves dedication of the proposed subdivision parkland as a public park.

Finding #2

There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on established site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

iii. Impact on Local Services

1. Water and Wastewater

The proposal for water to serve the subdivision entails an extension of the existing Wettington Water District Inc. Community Public Water System (WWD) which is sourced from a combination of three drilled wells and a 105,000 gallon storage tank located off site. The proposed public water utility infrastructure for Wettington Acres Phase 2 is depicted on the Preliminary Plat and a separate sheet titled Water One-Line dated May 1, 2014 which was submitted with the application. The proposal involves extending approximately 4300 linear feet of water mains through the subdivision from existing water mains at various locations within the boundaries of the subdivision.

Written comment from Emily Gillespie of the Montana Department of Environmental Quality (MDEQ) indicates the WWD currently serves 56 equivalent dwelling units

(EDU's) dispersed among neighboring subdivisions and other COS properties and that there is capacity for 48-50 additional lots to be connected to the system. In terms of physical improvements related to the proposed extended water service, it is anticipated that necessary water infrastructure to serve each phase will be designed and installed in accordance with applicable MDEQ requirements in the sequence outlined in the submitted phasing plan.

Comment provided by Marc Pitman of the MT DNRC indicates the developer would need to obtain the necessary water rights for the addition of the proposed 40 subdivision lots to the existing Wettington Water District water system. The developer should be required to demonstrate the necessary ground water certificate or water right permit has been acquired as applicable for the use of groundwater to serve the number of lots in the subdivision prior to final plat.

As indicated in the submitted application, the plan for wastewater treatment is to use individual septic systems to serve the needs of each lot within the subdivision. As with all subdivisions, both water and sewer services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

2. Schools

The proposal is located in the Smith Valley Elementary School District and the Flathead High School District. The Smith Valley School is located approximately 1.5 miles from the subdivision and the Flathead High School is located approximately 7 miles from the subdivision. The Environmental Assessment indicates an average of 0.31 school-aged children per household has been used to determine the impacts to the school district anticipated as a result of development, based upon the number of students recorded in the Flathead County school system and the total number of households in Flathead County. Using these calculations, an additional 12 school-aged children are anticipated as a result of development of the proposed 40 lot residential subdivision.

Although solicited, the Flathead County Superintendent of Schools has provided no comment. The Environmental Assessment indicates the Smith Valley School District would be impacted by development of the subdivision as it currently operates at full capacity. Staff contacted the Smith Valley School and was informed there is no bussing currently provided by the District so new students generated by the subdivision would need to be dropped-off and picked-up by parents unless they are able to walk or bike to the school. The school staff indicated there is currently vehicle congestion related to the dropping and picking-up of students, particularly for afternoon pick-ups.

3. Mail Delivery

The developer is proposing a centralized mailbox to serve the 40 proposed lots. The location of the centralized mail facility serving the proposed subdivision shall require review and written approval from the local postmaster as a condition of final plat approval.

4. Recreation

The proposal is located in the Smith Valley in close proximity to an established bicycle/pedestrian path providing non-motorized access to area schools and to both Kila and Kalispell. The general vicinity is an area with a wide range of recreation opportunities in surrounding forests, mountains, and waterfowl production areas.

As indicated in the application and on the Preliminary Plat, the proposal to satisfy applicable subdivision 'parkland' requirements is to dedicate a 5.24 gross acre park to Flathead County for public use, and the application includes a draft Memorandum of Understanding (MOU) between the developer and the Flathead County Parks Board outlining details associated with a conceptual agreement based on dialogue between the two parties which occurred prior to the date of the subdivision pre-application meeting and submittal of the subdivision preliminary plat application.

The 5.24 gross acre area of the proposed park exceeds the 2.11 acres which would be required as subdivision parkland pursuant to Section 4.7.24(e) FCSR and there would be a 3.138 gross acre surplus of dedicated parkland. In anticipation of subsequent subdivision(s) on property owned by the developer and abutting the subject property, the developer proposes the surplus parkland be managed through time as a 'land bank' whereby the surplus parkland may be applied to future subdivisions until such time the surplus is depleted and a subsequent subdivision's parkland requirement exceeds the amount of surplus land dedicated through this subdivision process by the developer, at which point the developer would be required to account for the difference via dedication of additional land or cash-in-lieu. As indicated in the Environmental Assessment and draft MOU, the developer is also proposing the value of other items to be included in the applicable valuation of the proposed 'land bank', as follows:

- As indicated on pgs.12 and 28 of the Environmental Assessment, the developer proposes to dedicate an undetermined portion of his undeveloped Ashley Creek water right to the county for irrigation purposes within the park. As the water right is not currently developed and in use, valuation of the portion dedicated to the county would be determined at some later date, conceptually prior to final plat of Phase 2A of Wettington Acres Phase 2. The developer requests the valued amount of the water right portion (to be determined by a future appraisal) be applied to the cumulative valuation of the parkland 'land bank', which could then be applied towards parkland requirements applicable to his anticipated future subsequent subdivisions.
- As indicated in the draft parkland MOU, the developer proposes to provide the county one 'hook-up' to the public water system for potable water use within the park. The developer has apparently determined the value of the 'hook-up' to be \$2,000.00 and requests that value be applied to the cumulative valuation of the parkland 'land bank', which could then be applied towards parkland requirements applicable to his anticipated future subsequent subdivisions.

Below are points of consideration regarding the current proposal of dedicating parkland for a public county park within the subdivision and the proposal to create a conceptual 'land bank' comprised of surplus dedicated parkland and other non-cash valuation:

- The concept to voluntarily dedicate parkland within the subdivision for public use is supported by Section 4.7.24(c) FCSR because the Parks Board has consulted with the developer and determined the location is suitable for anticipated parks and recreational purposes, as evidenced by the Board's minutes from its regularly scheduled meetings on December 2, 2013 and February 13, 2014 and the submitted draft MOU.
- The proposal to voluntarily dedicate parkland within the subdivision with acreage of land exceeding the amount of land required per statute and per 4.7.24(e) FCSR to satisfy parkland requirements appears supported by Section 4.7.24(c) FCSR, however the proposal to add an appraised dollar value on additional elements to be dedicated in excess of what is necessary to satisfy parkland requirements appears problematic per Section 4.7.24(c) FCSR which states "...*When a combination of land and cash donation is required, the cash donation may not exceed the proportional amount covered by the parkland donation.*"
- The subdivision and its internal public park would be accessed by two existing private roads. Comment provided from the Flathead County Road and Bridge Department Director indicates concern regarding use of private primary access roads (Wettington Drive and Swiss Drive) to access to a public park, noting maintenance of the access roads to the public park would be the responsibility of a distribution of private owners that use the road network. Recognizing the roads will deteriorate through time, the comment raises the question of whether or not the Department would ultimately be called upon to maintain the portion of roads accessing the park to the appropriate standard for public use.

Section 4.7.24(h) FCSR states "*Land dedicated for public parks or recreational purposes shall be useable land, shall be of appropriate shape and size and shall have convenient access by public roads meeting all appropriate County standards and specifications...*". The proposal to dedicate parkland to Flathead County for a public park or other recreational purposes does not comply with Section 4.7.24(h) FCSR and would be supported by Section 4.7.24(h) FCSR only if the park was accessed by public roads. Under the current and proposed configuration of road ownership and maintenance, the proposal to establish a public park within the subdivision is not supported by the FCSR because the subdivision and its internal public park would be accessed by two existing private roads which are privately maintained. It has for quite some time been a strong and consistent county policy not to accept new roads as being publicly administered roads through subdivision review.

- Subdivision parkland dedication requirements are based on provisions contained in 76-3-621 MCA and Section 4.7.24 FCSR, both of which clearly identify dedication of actual money and/or land are established as the available means by which a developer may satisfy parkland requirements. Neither 76-3-621 MCA nor the FCSR address the use of other non-specified items and their subjective valuation for the satisfaction of applicable parkland requirements. Based on this, the proposal to use subjective valuations beyond those of simple cash-in-lieu or appraised land valuation to satisfy parkland requirements does not appear to be clearly supported by statute or the FCSR.

- During sufficiency review, the developer was asked to provide clarification regarding the valuation of proposed items to be included in the hypothetical parkland ‘land bank’ so that these matters were plainly apparent and able to be reasonably reviewed in the public process of the public hearing on the subdivision. The July 9, 2014 response deferred such a valuation to a yet-to-be determined time prior to final plat, noting the valuation would need to consider variable factors such as who installs the irrigation mainline and pump and electricity, cost of running the pump in the future, and determination of the amount of water right to be transferred. The concept of introducing unknown value of variables into the appropriate determination of what should be a standard subdivision parkland valuation appears to be inappropriate and beyond the scope of subdivision review criteria as established in statute, and the FCSR provides no clear mechanism by which the county can consider such alternatives.
- The proposal to create a 5.24 gross acre park exceeding the amount of land required per Section 4.7.24(e)(iii) would be supported by Section 4.7.24(d)(ii) FCSR if the parkland dedication was waived by the commissioners and the park area was a private park maintained by a homeowner’s association (HOA).
- In terms of establishing a conceptual ‘land bank’ to account for surplus parkland, it appears the notion would be supported by the FCSR if the park area was a private park maintained by a homeowner’s association (HOA) and the conceptual ‘land bank’ included no additional valuation beyond actual land because Section 4.7.24(d)(iv) FCSR establishes that parkland can be established outside of a subdivision’s boundary provided it is “...*sufficient to meet the needs of the residents of the development and the area of the parkland and any improvements set aside equals or exceeds the area of dedication required...*”.

It seems reasonable that if the developer voluntarily created a HOA park exceeding the acreage required, that a note could be placed on the face of the final plat clarifying how much acreage was required and how much is surplus, and then at such time the developer creates a subsequent adjacent subdivision the preliminary plat and application could propose to apply the surplus park area from the previously established subdivision to the subsequent subdivision(s) until such time the surplus is depleted.

Parkland summary:

- Based on the above considerations, the current proposal to establish a public county park within the subdivision is not supported by statute and the Flathead County Subdivision Regulations.
- If the roads accessing the park area were public roads and the conceptual ‘land bank’ addressing the excess land dedication included no additional valuation beyond actual land, the concept appears to be supported by the FCSR.
- If the park area was dedicated as a private HOA park accessed by private subdivision roads, and the parkland dedication requirement was waived by the Commissioners, a conceptual ‘land bank’ addressing the excess land dedication

would appear to be supported by the FCSR if it included no additional valuation beyond actual land.

5. **Roads**

Proposed roads/access: As shown on the preliminary plat and indicated in the submitted Traffic Impact Study, primary access to the subdivision would be from existing private paved roads Wettington Drive and Swiss Drive via US Highway 2, and additional access to the east side of the subdivision would be from Redwing Court via Smith Lake Road and Bighorn Drive. Direct access to the lots and parkland within the subdivision would be from internal roads which would extend between the existing terminus of Swiss Drive and the existing unpaved cul-de-sac of Redwing Court. The internal roads would be established as a looped road system providing access to all Lots as well as future access to adjacent property owned by the developer. The proposed private internal subdivision roads would be designed and constructed to comply with currently applicable Flathead County Road and Bridge Department standards for sub-grade structure, width, and paving.

TIS and proposed improvements: The application includes a Traffic Impact Study (TIS) prepared by Abelin Traffic Services which has evaluated impacts of the anticipated traffic generated by the subdivision on safety and traffic volumes of pertinent roads and intersections in the vicinity of the proposal. Recommendations of the TIS are incorporated into the Environmental Assessment and considering the proposed subdivision at full build-out the TIS and Environmental Assessment anticipate:

- Generation of 30 AM peak hour vehicle trips, 40 PM peak hour vehicle trips, and 383 total daily vehicle trips;
- 90% of traffic generated would use US Highway 2 to the north, 10% of traffic generated would use US Highway 2 to the south, less than 5% would use Redwing Court via Bighorn Drive and Smith Lake Road;
- The Wettington Drive/US Highway 2 intersection presently has a Level of Service (LOS) B which would not change with development of Wettington Acres Phase 2;
- Cut-through traffic between Swiss Drive and Redwing Court will be low and the benefit of the additional connection to improved access and emergency service would outweigh negative impacts from (non-subdivision) resident cut-through traffic;
- The Wettington Drive/US Highway 2 intersection would have sufficient traffic to warrant a left-turn lane for southbound traffic on Highway 2 but does not warrant a deceleration lane for northbound traffic on Highway 2;
- An approximate 200 foot section of Wettington Drive is currently damaged with potholes and cracks, and the developer proposes re-construction of that road section in conjunction with final plat of the first phase (2a) of Wettington Acres Phase 2 Subdivision.

Legal access:

As discussed above, primary access to the subdivision would be from the existing private paved roads Wettington Drive and Swiss Drive via US Highway 2, and additional access to the east side of the subdivision would be from Redwing Court via Smith Lake Road and Bighorn Drive. Appendix G (Tab 10) of the application submittal includes a map entitled ‘Access Exhibit for Wettington Acres Phase 2’ which graphically demonstrates the combination of recorded private access and utility easement agreements and private subdivision access and utility easements which together comprise the chain of legal access to the subdivision, and copies of the corresponding recorded easements are included for reference.

Road maintenance: The application includes a draft document entitled ‘Wettington Acres Phase 2 Road and Stormwater Drainage Maintenance Agreement’, and pursuant to the agreement maintenance of the internal private subdivision roads and related stormwater drainage infrastructure would be a responsibility of the ‘Wettington Acres Phase 2 Road and Stormwater Drainage Maintenance Association’ to be established in conjunction with final plat recordation of Phase 2A. According to the draft document the Association would be comprised of future lot owners of Wettington Acres Phase 2 Lots 1-40 and the developer who currently owns the subject property and other adjoining undeveloped lands.

Road maintenance of the offsite access roads Wettington Drive, Swiss Drive, and Redwing Court is currently established as a responsibility of lot owners served by those roads as outlined in the various applicable recorded road easement and maintenance documents, copies of which have been provided with the application materials. As proposed it appears that maintenance of the existing mentioned off-site private access roads would continue to be addressed as established under the existing recorded documents and the future lot owners of Wettington Acres Phase 2 Lots 1-40 would use the roads but not be responsible for contributing to the maintenance of them. Pursuant to Section 4.7.15(d), Lot owners of the proposed Wettington Acres Phase 2 “... shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads...” providing access to the subdivision, and there should be an appurtenant condition requiring appropriate amendment of existing documents or establishment of a new comprehensive road user’s agreement which clearly addresses fair maintenance responsibilities among associated lot owners for the shared road network.

Agency comment:

Written comment from the Flathead County Road and Bridge Department finds the applicant’s approach to road issues acceptable and indicates all roads and associated improvements must be constructed to the standards contained in the Flathead County Road and Bridge Department’s *Minimum Standards for Design and Construction*, effective November 17, 2009.

- Recognizing the submitted TIS estimates the Bighorn Drive/Smith Lake Road/Redwing Court approach to the subdivision will attract only 5% or less of the vehicular traffic attributable to Wettington Acres Phase 2 and therefore makes no recommendation for improvement, Road and Bridge Department comment

indicates a concern with increased dust on that section of road as a result of the subdivision.

- Regarding the proposed public park, the Road and Bridge Department comment indicates a concern the Department would eventually be called on to provide maintenance of the roads accessing the facility due to public use of the County Park, noting “ Since the early 1980’s we have not taken on more roads within the maintenance network”.

Written comment from the Montana Department of Transportation indicates no concern with the proposal noting the current MDT reconstruction project includes adding a left-turn lane for Wettington Drive.

6. Fire/Emergency Medical Services

The site is currently located within the Smith Valley Fire District and a fire station with Advanced and Basic Life Support services is located ¼ mile west of the subdivision at the intersection of Wettington Drive and US Highway 2. The Kalispell Regional Medical Center is approximately eight driving miles from the proposed subdivision. The preliminary plat indicates the development design includes the proposed installation of five fire hydrants connected to the public water system.

Comment from the Smith Valley Volunteer Fire Department indicates the private fire hydrant system should have annual inspections and testing of hydrants, proper clearance and access, and the District requests the ability to periodically use the fire hydrants for performance evaluations. Additionally in order to accommodate fire engine egress the District requests paved cul-de-sacs be required at the “... west and of Swiss Drive...) presumably a typographic error and intended to mean where Swiss Drive terminates on the east between Lots 6 and 40 and where Swiss Loop terminates between Lots 29 and 30. Presently the plat identifies one proposed cul-de-sac where Swiss Loop terminates between Lots 2-5 approximately 50 feet beyond a curve. It appears the proposed road network provides ingress/egress capability via T-intersections relatively close to the termination points noted by the Fire District comment, and the determination of whether or not the additional paved cul-de-sacs would be required should be made by the governing body. Based on Section 4.7.26(b)(c)&(d), the developer should be required to satisfy reasonable conditions related to fire suppression, emergency medical services, and/or emergency vehicle access as recommended by the Fire Department if required by the Board of County Commissioners.

7. Police Services

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff. Although solicited, the Sheriff’s Department has provided no comment. Given existing staffing levels, the size of the County and the dispersed nature of the population, service to this subdivision is anticipated to be consistent with other unincorporated rural areas of Flathead County and delayed response times may be experienced.

8. Solid Waste Disposal

The developer is proposing contract haul as a mechanism for solid waste disposal. A letter from the Flathead County Solid Waste District supports the proposed method of

waste disposal as the District requests that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill.

9. Other Utilities

As indicated in the application, Flathead Electric will provide electrical power and CenturyLink will provide telephone service, and Optimum will provide cable/internet utilities. Electric and telephone, and cable/internet utilities are required to be placed underground within the existing and proposed utility easements to serve the lots within the subdivision.

Finding #3

The proposal for domestic water supply and wastewater management for the 40 lots within the subdivision is a connection of all lots to the public water services of the Wettington Water District Inc. Community Public Water System (WWD), which will necessitate an extension of existing water mainlines presently crossing the subject property and servicing properties. The proposed connection to the District's public water services is feasible because the developer owns the system and the Montana Department of Environmental Quality has indicated the WWD currently serves 56 equivalent dwelling units (EDU's) dispersed among neighboring subdivisions and other properties and that there is capacity for 48-50 additional lots to be connected to the system.

Finding #4

The developer proposes to use offsite wells and a water storage tank serving the existing Wettington Water District as the water source for the public water system which is proposed to be extended to serve the lots within subdivision, and comment from the Montana Department of Natural Resources and Conservation indicates an appropriate water right would be required in order to use groundwater for that purpose. If the developer demonstrates legal use of well water serving the public water supply there would be no adverse impact related to water quantity and availability because use of the well water for public water supply would be legally established.

Finding #5

The proposal to establish individual septic systems to serve all lots of the subdivision appears acceptable because submitted application materials and agency comments indicate no environmental constraints to those systems and the systems would be required to be reviewed and permitted by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality as applicable prior to their installation and operation.

Finding #6

The Smith Valley School District may be adversely impacted by development of the subdivision as it currently operates at full capacity and development of the proposed 40-lot residential subdivision is anticipated to result in twelve additional school-aged children to be served by the District.

Finding #7

The proposal to dedicate a 5.24 gross acre park to the county for use as a public regional park to satisfy parkland requirements exceeds the proportional amount of land which would be required to be dedicated pursuant to Section 4.7.24(e) FCSR because only 2.11

gross acres would be required to be dedicated based on the number and size of lots included on the preliminary plat.

Finding #8

The proposal to voluntarily dedicate parkland within the subdivision for public use is supported by Section 4.7.24(c) FCSR because the Flathead County Parks Board has consulted with the developer and determined the location is suitable for anticipated parks and recreational purposes, as evidenced by the Board's minutes from its regularly scheduled meetings on December 2, 2013 and February 13, 2014 and the submitted draft MOU between the developer and the Parks Board.

Finding #9

Based on the proposal for parkland dedication there would be a surplus land dedication of 3.13 gross acres beyond the 2.11 gross acres required per Section 4.7.24(e) FCSR. In anticipation of subsequent subdivision(s) on property owned by the developer and abutting the subject property the developer proposes the surplus parkland be recognized through time as a 'land bank' whereby the surplus parkland may be applied to future subdivisions until such time the surplus is depleted and a subsequent subdivision's parkland requirement exceeds the amount of surplus land dedicated through this subdivision process by the developer, at which point the developer would be required to account for the difference via dedication of additional land or cash-in-lieu. The developer is also proposing the cash-equivalent value of other items including a portion of an Ashley Creek water right and a single 'hook-up' to the Wettington Water District to be included in the applicable valuation of the proposed 'land bank'.

Finding #10

The proposal to voluntarily dedicate parkland within the subdivision with acreage of land exceeding the proportional amount of land required per statute and per Section 4.7.24(e) FCSR to satisfy applicable parkland requirements appears supported by Section 4.7.24(c) FCSR because the proposal by the developer/subdivider has been made in consultation with the Parks Board and considers the expressed preference of the subdivider to recognize the surplus dedicated land as a 'land bank' which may be applied to subsequent subdivisions in close proximity to the subject property.

Finding #11

The concept of a parkland 'land bank' for subsequent subdivisions in close proximity to the subject property appears supported by language contained in Section 4.7.24(c) FCSR which states "*The dedicated parkland for parks and recreational use may be inside or outside the boundaries of the proposed subdivision.*" The statement infers that parkland dedicated at present in surplus to the requirement of Section 4.7.24(e) FCSR could be considered valid available parkland which may be attributed to future parkland requirements of subsequent subdivision(s).

Finding #12

The proposal to combine the to-be-appraised dollar value on the as-of-yet undetermined portion of an undeveloped Ashley Creek water right and a single 'hook-up' to the Wettington Water District valued by the developer at \$2000.00 to the actual land dedicated in excess of what is necessary to satisfy parkland requirements appears

problematic and un-supported by Section 4.7.24(c) FCSR which states “*When a combination of land and cash donation is required, the cash donation may not exceed the proportional amount covered by the parkland donation.*” As proposed, the actual land voluntarily proposed to be dedicated already exceeds the proportional amount required to be dedicated as parkland per Section 4.7.24(e) FCSR, and therefore the cash-equivalent value of the other items would exceed the proportional amount covered by the parkland donation.

Finding #13

The proposed subdivision and its internal public park would be accessed by two existing offsite private roads and as such the proposal to establish a public park within the subdivision is not supported by the FCSR because Section 4.7.24(h) FCSR states “*Land dedicated for public parks or recreational purposes shall be useable land, shall be of appropriate shape and size and shall have convenient access by public roads meeting all appropriate County standards and specifications.*”

Finding #14

Primary access to the subdivision would be from the existing private paved roads Wettington Drive and Swiss Drive via US Highway 2, and additional access to the east side of the subdivision would be from Redwing Court via Smith Lake Road and Bighorn Drive. The proposed internal road network appears reasonable because the paved internal subdivision roads would be designed and constructed to comply with the standards outlined in Section 4.7.16 of the Flathead County Subdivision Regulations and the Flathead County Road and Bridge Department’s *Minimum Standards for Design and Construction*.

Finding #15

The anticipated impact of traffic generated by the proposed subdivision on existing area roads and intersections would be minimal and acceptable if the unpaved portion of Redwing Court was constructed and paved to the applicable county standards for subdivision roads and if recommendations for improvements to the existing transportation network as identified in the submitted Traffic Impact Study were required and implemented. Performing the described improvements would result in compliant and acceptable access to the subdivision because impacts related to the substandard portions of Wettington Drive and Redwing Court which provide legal regular access to the subdivision as well as potential impacts to traffic on US Highway 2 would be improved to the applicable county standards for access.

Finding #16

The proposal for road maintenance as outlined in the draft ‘Wettington Acres Phase 2 Road and Stormwater Drainage Maintenance Agreement’ does not comply with applicable requirements of Section 4.7.15(d) FCSR which states “*Subsequent subdivisions using an existing subdivision road system as a primary access shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads...*” because under the draft document future lot owners of Wettington Acres Phase 2 Lots 1-40 would use the offsite access roads but not be responsible for contributing to the maintenance of them.

Finding #17

The proposal would not adversely impact services of the Smith Valley Fire District and other emergency service providers because the location is in close proximity to a fire station, the site would be developed with fire hydrants to aid in fire suppression, and adequate access may be provided for emergency vehicles.

Finding #18

Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, emergency service providers would have adequate access to the subdivision, the area is served by public schools, a compliant mechanism for road maintenance is able to be created through conditions, and the proposal would not adversely impact public water and wastewater services.

Finding #19

Impact to the other criteria discussed relative to ‘impact on local services’ would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.

iv. Impact on the Natural Environment**1. Water Quality**

There are no surface waters or wetland areas on the subject property and the nearest surface water is that of Ashley Creek approximately ¼ mile west of the subdivision. The generally flat site is underlain by well drained Prospect Loam (Pb) 3-7% slope soils comprised of deep loamy soils developed from medium-textured glacial till. Groundwater monitoring data submitted with the application materials indicates no shallow groundwater is present within the subdivision boundaries and the MDEQ has issued a pre-determination of non-degradation pertaining to potential impacts to groundwater from nitrates and phosphorous.

All lots are proposed to be served by an extension of the public water system operated by the Wettington Water District and wastewater would be managed with new individual treatment systems for each lot. The submitted Environmental Assessment and stormwater management plan indicate stormwater drainage would be managed onsite through roadside swales and directed to an offsite retention pond in a gravel pit north of the subdivision via a grass-lined swale. The preliminary plat depicts a proposed 20-foot wide stormwater drainage easement located between Lots 10 & 11 and extending northward offsite which would contain the swale, and the application includes a draft document entitled ‘Wettington Acres Phase 2 Road and Stormwater Drainage Maintenance Agreement’ to address long term management and maintenance of the stormwater drainage system. No stormwater drainage would enter natural surface waters as a result of runoff from the subdivision.

2. Air Quality

Primary access to the subdivision is via the existing private paved roads Wettington Drive and Swiss Drive, and the internal subdivision road network is proposed to be paved. A non-primary access to the eastern side of the subdivision is proposed through Redwing Acres Subdivision from Redwing Court via Bighorn Drive and

Smith Lake Road. Presently, Redwing Court is only partially paved with approximately 500 feet of the road and cul-de-sac being of a rough gravel surface. Presently, approximately 1000 feet of Smith Lake Road along the Bighorn Drive/Smith Lake Road/Redwing Court approach to the subdivision is gravel and comment from the Road and Bridge Department indicates the gravel section is very prone to dust emission.

Considering the submitted TIS estimates the Bighorn Drive/Smith Lake Road/Redwing Court approach to the subdivision will attract only 5% or less of the vehicular traffic attributable to Wettington Acres Phase 2 it does not seem appropriate or defensible to require paving of the gravel stretch of Smith Lake Road, however it does seem appropriate to require Redwing Court to be improved and paved to meet applicable county standards as the road is an internal subdivision road which is presently substandard and it is proposed as a direct point of ingress/egress for the proposed subdivision.

Paving of all subdivision roads within and outside of the subdivision which provide regular ingress/egress to the subdivision should result in minimal dust emission and therefore lasting impacts to air quality are not anticipated as a result of the subdivision. The developer has submitted a draft Dust Abatement Plan compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

3. Impact of Noise

Development of residences on the subdivision lots would likely generate minimal noise during construction, and it is not likely that all would be built simultaneously. The proposed residential use is not anticipated to generate permanent continuous impacting noise to area residents or wildlife.

4. Impact to Flora

The subject property contains no surface waters, wetland or riparian vegetation, and the property is relatively flat and open grassland which has been used for livestock pasture in the past. The only anticipated impacts to flora are those associated with potential propagation of weeds on disturbed areas if not managed appropriately as indicated in the comment provided by the Flathead County Weed, Parks, and Recreation Department. Pursuant to Section 4.7.25 FCSR the developer would be required to develop and implement a weed management plan specific to be approved by the Flathead County Weed Board prior to final plat approval.

5. Impact to Floodplain

According to FIRM Panel 1800G the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.

6. Impact to Riparian/Wetland Areas

There would be no impact to riparian or wetland areas because no riparian or wetland areas occur on the subject property, and there are no surface waters located on or adjacent to the site.

7. Impact to Historical Features

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

Finding #20

Adverse impacts to water quality as a result of the subdivision are not anticipated because there is no indication of shallow groundwater at the location of the proposed primary and replacement drainfields, there are no surface waters on the subject property and stormwater management would prevent direct discharge of stormwater from entering vicinity streams and wetlands, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Finding #21

Minimal impacts to flora are anticipated because no plant species of concern have been identified as being present on the subject property, disturbance would be primarily limited to areas impacted from road development, disturbed road margins and cut and fill areas are required to be re-vegetated, and completion and adherence to a weed control plan would be a condition of preliminary plat approval.

Finding #22

The proposed subdivision has the potential to adversely impact air quality as Redwing Court is only partially paved with approximately 500 feet of the road and cul-de-sac being of a rough gravel surface, and approximately 1000 feet of Smith Lake Road along the Bighorn Drive/Smith Lake Road/Redwing Court approach to the subdivision is gravel, and according to comment from the Road and Bridge Department the gravel section is very prone to dust emission which may be increased through additional use by future residents within the subdivision.

Finding #23

Considering the submitted TIS estimates the Bighorn Drive/Smith Lake Road/Redwing Court approach to the subdivision will attract only 5% or less of the vehicular traffic attributable to Wetington Acres Phase 2 it appears dust impacts on the gravel stretch of Smith Lake Road by subdivision residents would be minimal compared to the amount of dust generated by regular use by the general public.

Finding #24

Requiring Redwing Court to be improved and paved to meet applicable county standards appears an appropriate measure to minimize generation of dust and impact to air quality as a result of the subdivision because the road is an internal subdivision road of Redwing Acres which is presently substandard, is proposed as a direct point of ingress/egress for the proposed subdivision, and development of the subdivision may result in increased use of Redwing Court from future subdivision residents as well as from cross-traffic by non-residents using the subdivision roads for shorter access across the Smith Valley than presently established.

Finding #25

There is no anticipated impact to floodplain because the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.

Finding #26

Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to improve sub-standard sections of specifically identified existing roads, mitigate dust onsite, and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to 'impact on the natural environment' would be minimal and acceptable with the imposition of conditions.

v. Impact on Wildlife

The subject property is located in a rural area with pockets of suburban agricultural development, and the terrain is comprised flat open fields pasture grass. As shown in Figure 1 the subject property is approximately ¼ mile east of Ashley Creek which drains out of the Smith Lake Wildfowl Production Area approximately 1.5 miles south of the development site. The submitted Environmental Assessment indicates the site is generally recognized as winter range for whitetail deer but not for elk, and the subject property contains no critical wildlife areas. Submitted data from the Montana Natural Heritage Program indicates several 'species of concern' occur within a 12 mile vicinity of the proposed subdivision, including various birds and mammals which don't rely upon the type of ground cover and habitat provided by the subject property. Comment from Montana Fish Wildlife and Parks indicates no concern with regard to wildlife associated with the proposed subdivision.

Finding #27

Some impacts on general wildlife such as deer and other small mammals and birds may anticipated because the proposed subdivision would be a relatively densely compact residential development resulting in general displacement and removal of open pasture area currently used by non-critical species of wildlife.

Finding #28

Adverse impacts of the proposed subdivision on wildlife are not anticipated because the area proposed for development on the property is not specifically used as critical habitat by 'species of concern' which have been identified as being present at certain locations in the general vicinity of the subdivision.

vi. Impact on Wildlife Habitat

The subject property is relatively flat and open land which has been used for livestock pasture and which provides some habitat for general wildlife where subdivision improvements and residential lots are proposed. According to submitted data from the Montana Natural Heritage Program, several 'species of concern' occur in the vicinity of the subdivision and use the specific habitat not found within the subdivision boundaries.

Finding #29

The proposed subdivision is not anticipated to introduce adverse impacts to wildlife habitat because the site contains no critical habitat for the 'species of concern' which have been identified in the vicinity of the subdivision according to submitted data from the Montana Natural Heritage Program.

vii. Impact on Public Health and Safety

1. Flood Risk

The subject property has no streams, wetlands or lakes, and according to FEMA FIRM Panel 1800G, the subdivision is located in an area designated as Zone X - outside of the 0.2% annual chance floodplain. Therefore the proposal would not introduce adverse impacts to public health and safety in regard to flooding.

2. Water and Wastewater Treatment

All lots are proposed to be served by a connection to the public water services of the Wettington Water District Inc. Community Public Water System (WWD), and as existing public sewer services are not available for the proposed subdivision all lots are proposed to use an individual wastewater treatment system. The proposed use of public systems for water is subject to high levels of monitoring which ensure safety for users and the MDEQ has issued a pre-determination of non-degradation for the subdivision in consideration of groundwater and geological characteristics at the site whereby groundwater won't be degraded due to nitrates and phosphorous. All extensions and connections to the public water system and individual wastewater treatment systems would be required to be reviewed and approved by the Evergreen Water and Sewer District, the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as applicable.

3. Stormwater

The submitted Stormwater Drainage Plan establishes the conceptual plan for stormwater management and indicates no stormwater drainage would enter vicinity surface waters as a result of runoff from the subdivision. The plan appears to adequately manage stormwater through a combination of onsite features which would accumulate non-absorbed stormwater and direct it offsite northward within a grass lined swale within a drainage easement to the planned offsite stormwater retention area within an existing gravel pit. As there would be more than one acre of ground disturbed through the installation of subdivision improvements it is anticipated the developer will be required to obtain a General Permit for Stormwater Discharges Associated with Construction Activity issued by the MDEQ.

4. Road Network

Legal and physical access will be provided to each lot from the proposed internal road system which would extend from US Highway 2 via existing Wettington Drive and Swiss Drive which are both privately maintained roads. The new internal roads would be private and are proposed to be designed, built and paved to current applicable county standards. Copies of the Preliminary Plat, Environmental Assessment, and TIS were provided to Dave Prunty of the Flathead County Road and Bridge Department and James Freyholtz of Montana Department of Transportation, and comment from each indicates no outstanding concerns which suggests the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

It is noted that the private roads providing primary access to the subdivision are not presently equipped with traffic control and safety signage such as stop, yield, and/or speed limit signs. In order for the subdivision road network to provide adequate public health and safety, the new internal roads as well as off-site subdivision roads

providing access to the subdivision should be required to have traffic control signs installed in accordance with the standards of the Flathead County Road and Bridge Department's *Minimum Standards for Design and Construction*, effective November 17, 2009.

5. High Voltage Electric Lines/High Pressure Gas Lines

There are no exposed high voltage electric lines or high pressure gas lines on the subject property.

6. Fire and Emergency Services

The property is not mapped as being within the Wildland Urban Interface, and the subdivision's land-cover is comprised mainly of pasture grass. The site is located within the Smith Valley Fire District, and a fire station with Advanced and Basic Life Support services is located approximately 1/4 mile west of the subdivision on US Highway 2 and the Kalispell Regional Medical Center is approximately eight driving miles from the proposed subdivision. The preliminary plat indicates the development design includes five fire hydrants which would be required to comply with the specific standards of the Smith Valley Fire District.

7. Geologic Hazards

As shown on the preliminary plat, the subject property is generally flat with no variable terrain features such as surface waters, steep slopes, or ravines. The submitted environmental assessment and groundwater monitoring data indicate no shallow groundwater or soils which would limit safe development of lots and subdivision infrastructure.

8. Avalanche Hazards

The subdivision is not located in an area of the County considered to be prone to avalanche hazards.

9. Airport Influence Areas

The subject property is not within an airport influence area.

10. Soils

As indicated in submitted application materials, soils on the subject property are generally comprised of Prospect Loam (Pb) 3-7% slope soils which generally are described as well drained soils having low shrink-swell potential. It is anticipated soils on site would not pose a risk for health and safety for typical residential uses, public water utilities, and road development, as other area properties and roads similarly situated appear to be developed with adequate stability.

Finding #30

The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters, and according to FEMA FIRM Panels 1800G, the subject property is located outside of the 0.2% annual chance flood area.

Finding #31

The effects of this proposed subdivision on public health and safety in regard to the proposal for water and wastewater treatment is acceptable because the subdivision and all

Lots would be served by a connection to an existing a public water system subject to high levels of monitoring to ensure safety for users and all individual wastewater treatment systems would be required to be permitted in accordance with applicable regulations aimed at promoting health and safety.

Finding #32

The effects of this proposed subdivision on public health and safety in regard to stormwater management appears acceptable because the submitted application includes a stormwater plan whereby stormwater runoff would be contained within a drainage easement and offsite retention pond, would not runoff onto adjacent neighboring private properties or enter into state waters, and the developer will be required to obtain a General Permit for Stormwater Discharges Associated with Construction Activity issued by the MDEQ as there would be more than one acre of ground disturbed through the installation of subdivision improvements.

Finding #33

Impacts of the proposed subdivision on the vicinity road network appear to be acceptable because offsite improvements to area roads or intersections called for in the submitted Traffic Impact Study would be completed by MDT and by the developer as proposed, and comments from the Flathead County Road and Bridge Department and the Montana Department of Transportation indicate the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

Finding #34

Minimal risks to public health and safety are anticipated with the imposition of conditions because adequate physical and legal access to the subdivision is currently provided and adequate emergency services are available for the subdivision; there are no areas of the subdivision within the 100-year floodplain; there are no high voltage electric or high pressure gas lines on or around the subject property; and, there are no apparent hazards associated with geology, avalanche, or airport influence areas.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #35

The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations

Finding #36

No variances are requested or required. A three-phase phasing plan has been proposed. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective June 1, 2012 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

D. Compliance with the Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

December 4, 2013

ii. Application Deadline Date (6 months from pre-application)

June 4, 2014

iii. Application Submittal Date

June 6, 2014

iv. Completeness Date

Incomplete - June 13, 2014

Complete - July 16, 2014

v. Sufficiency Date

Insufficient - August 6, 2014

Sufficient - September 10, 2014

vi. Agency Referral Requests Mailing Date

September 29, 2014

vii. Adjacent Property Notification Mailing Date

October 23, 2014

viii. Legal Notice Publication Date

October 26, 2014

ix. On-site Posting of Public Hearing Date

November 29, 2014

Finding #37

The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective June 1, 2012.

E. Provision of Easements for the Location and Installation of Planned Utilities

Finding #38

The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

F. Provision of Legal and Physical Access to Each Parcel

Finding #39

Wetlington Drive and Swiss Drive via US Highway 2 would provide legal and physical access to the subdivision, and the proposed internal road system which connects to Redwing Court providing an additional ingress/egress would provide legal and physical access to the individual Lots. The internal road system would be privately maintained, occurring within a 60 foot wide private road and utility easement, and would be constructed and paved in compliance with applicable Flathead County standards.

G. Review of Applicable Plans

76-1-605(2)(b) M.C.A. states that “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by

which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

i. Neighborhood Plan

The proposed Wettington Acres Phase 2 Subdivision is not located within a neighborhood plan area.

ii. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, M.C.A. and was updated on October 12, 2012. While the location is in an area of the county that is un-designated in terms of land-use on the Flathead County Designated Land Use Map, it occurs in a rural agricultural area and the proposal appears to substantially meet the general goals and policies applicable to agricultural and residential uses and appears to meet relevant goals and policies applicable to sanitation and access to available services, as defined in Chapters 2-8 of the Flathead County Growth Policy. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

H. Compliance with Local Zoning

The proposed subdivision is located in an area of Flathead County that is presently unzoned. Therefore compliance with local zoning is not applicable nor required as part of this subdivision application and review.

Finding #40

The proposed subdivision is located in an unzoned area of Flathead County is not required to comply with local zoning regulations because no such zoning exists that is applicable to the subject property.

V. SUMMARY OF FINDINGS

1. The development's impact on agriculture would be minimal and limited to the subject property because adjacent properties are not dependent upon the subject property for continued agricultural use.
2. There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on established site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.
3. The proposal for domestic water supply and wastewater management for the 40 lots within the subdivision is a connection of all lots to the public water services of the Wettington Water District Inc. Community Public Water System (WWD), which will necessitate an extension of existing water mainlines presently crossing the subject property and servicing properties. The proposed connection to the District's public water services is feasible because the developer owns the system and the Montana Department

of Environmental Quality has indicated the WWD currently serves 56 equivalent dwelling units (EDU's) dispersed among neighboring subdivisions and other properties and that there is capacity for 48-50 additional lots to be connected to the system.

4. The developer proposes to use offsite wells and a water storage tank serving the existing Wettington Water District as the water source for the public water system which is proposed to be extended to serve the lots within subdivision, and comment from the Montana Department of Natural Resources and Conservation indicates an appropriate water right would be required in order to use groundwater for that purpose. If the developer demonstrates legal use of well water serving the public water supply there would be no adverse impact related to water quantity and availability because use of the well water for public water supply would be legally established.
5. The proposal to establish individual septic systems to serve all lots of the subdivision appears acceptable because submitted application materials and agency comments indicate no environmental constraints to those systems and the systems would be required to be reviewed and permitted by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality as applicable prior to their installation and operation.
6. The Smith Valley School District may be adversely impacted by development of the subdivision as it currently operates at full capacity and development of the proposed 40-lot residential subdivision is anticipated to result in twelve additional school-aged children to be served by District.
7. The proposal to dedicate a 5.24 gross acre park to the county for use as a public regional park to satisfy parkland requirements exceeds the proportional amount of land which would be required to be dedicated pursuant to Section 4.7.24(e) FCSR because only 2.11 gross acres would be required to be dedicated based on the number and size of lots included on the preliminary plat.
8. The proposal to voluntarily dedicate parkland within the subdivision for public use is supported by Section 4.7.24(c) FCSR because the Flathead County Parks Board has consulted with the developer and determined the location is suitable for anticipated parks and recreational purposes, as evidenced by the Board's minutes from its regularly scheduled meetings on December 2, 2013 and February 13, 2014 and the submitted draft MOU between the developer and the Parks Board.
9. Based on the proposal for parkland dedication there would be a surplus land dedication of 3.13 gross acres beyond the 2.11 gross acres required per Section 4.7.24(e) FCSR. In anticipation of subsequent subdivision(s) on property owned by the developer and abutting the subject property the developer proposes the surplus parkland be recognized through time as a 'land bank' whereby the surplus parkland may be applied to future subdivisions until such time the surplus is depleted and a subsequent subdivision's parkland requirement exceeds the amount of surplus land dedicated through this subdivision process by the developer, at which point the developer would be required to account for the difference via dedication of additional land or cash-in-lieu. The developer is also proposing the cash-equivalent value of other items including a portion of an Ashley Creek water right and a single 'hook-up' to the Wettington Water District to be included in the applicable valuation of the proposed 'land bank'.

10. The proposal to voluntarily dedicate parkland within the subdivision with acreage of land exceeding the proportional amount of land required per statute and per Section 4.7.24(e) FCSR to satisfy applicable parkland requirements appears supported by Section 4.7.24(c) FCSR because the proposal by the developer/subdivider has been made in consultation with the Parks Board and considers the expressed preference of the subdivider to recognize the surplus dedicated land as a 'land bank' which may be applied to subsequent subdivisions in close proximity to the subject property.
11. The concept of a parkland 'land bank' for subsequent subdivisions in close proximity to the subject property appears supported by language contained in Section 4.7.24(c) FCSR which states "*The dedicated parkland for parks and recreational use may be inside or outside the boundaries of the proposed subdivision.*" The statement infers that parkland dedicated at present in surplus to the requirement of Section 4.7.24(e) FCSR could be considered valid available parkland which may be attributed to future parkland requirements of subsequent subdivision(s).
12. The proposal to combine the to-be-appraised dollar value on the as-of-yet undetermined portion of an undeveloped Ashley Creek water right and a single 'hook-up' to the Wettington Water District valued by the developer at \$2000.00 to the actual land dedicated in excess of what is necessary to satisfy parkland requirements appears problematic and un-supported by Section 4.7.24(c) FCSR which states "*When a combination of land and cash donation is required, the cash donation may not exceed the proportional amount covered by the parkland donation.*" As proposed, the actual land voluntarily proposed to be dedicated already exceeds the proportional amount required to be dedicated as parkland per Section 4.7.24(e) FCSR, and therefore the cash-equivalent value of the other items would exceed the proportional amount covered by the parkland donation.
13. The proposed subdivision and its internal public park would be accessed by two existing offsite private roads and as such the proposal to establish a public park within the subdivision is not supported by the FCSR because Section 4.7.24(h) FCSR states "*Land dedicated for public parks or recreational purposes shall be useable land, shall be of appropriate shape and size and shall have convenient access by public roads meeting all appropriate County standards and specifications.*"
14. Primary access to the subdivision would be from the existing private paved roads Wettington Drive and Swiss Drive via US Highway 2, and additional access to the east side of the subdivision would be from Redwing Court via Smith Lake Road and Bighorn Drive. The proposed internal road network appears reasonable because the paved internal subdivision roads would be designed and constructed to comply with the standards outlined in Section 4.7.16 of the Flathead County Subdivision Regulations and the Flathead County Road and Bridge Department's Minimum Standards For Design and Construction.
15. The anticipated impact of traffic generated by the proposed subdivision on existing area roads and intersections would be minimal and acceptable if the unpaved portion of Redwing Court was constructed and paved to the applicable county standards for subdivision roads and if recommendations for improvements to the existing transportation network as identified in the submitted Traffic Impact Study were required

and implemented. Performing the described improvements would result in compliant and acceptable access to the subdivision because impacts related to the substandard portions of Wettington Drive and Redwing Court which provide legal regular access to the subdivision as well as potential impacts to traffic on US Highway 2 would be improved to the applicable county standards for access.

16. The proposal for road maintenance as outlined in the draft 'Wettington Acres Phase 2 Road and Stormwater Drainage Maintenance Agreement' does not comply with applicable requirements of Section 4.7.15(d) FCSR which states "*Subsequent subdivisions using an existing subdivision road system as a primary access shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads...*" because under the draft document future lot owners of Wettington Acres Phase 2 Lots 1-40 would use the off-site access roads but not be responsible for contributing to the maintenance of them.
17. The proposal would not adversely impact services of the Smith Valley Fire District and other emergency service providers because the location is in close proximity to a fire station, the site would be developed with fire hydrants to aid in fire suppression, and adequate access may be provided for emergency vehicles.
18. Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, emergency service providers would have adequate access to the subdivision, the area is served by public schools, a compliant mechanism for road maintenance is able to be created through conditions, and the proposal would not adversely impact public water and wastewater services.
19. Impact to the other criteria discussed relative to 'impact on local services' would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.
20. Adverse impacts to water quality as a result of the subdivision are not anticipated because there is no indication of shallow groundwater at the location of the proposed primary and replacement drainfields, there are no surface waters on the subject property and stormwater management would prevent direct discharge of stormwater from entering vicinity streams and wetlands, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.
21. Minimal impacts to flora are anticipated because no plant species of concern have been identified as being present on the subject property, disturbance would be primarily limited to areas impacted from road development, disturbed road margins and cut and fill areas are required to be re-vegetated, and completion and adherence to a weed control plan would be a condition of preliminary plat approval.
22. The proposed subdivision has the potential to adversely impact air quality as Redwing Court is only partially paved with approximately 500 feet of the road and cul-de-sac being of a rough gravel surface, and approximately 1000 feet of Smith Lake Road along

the Bighorn Drive/Smith Lake Road/Redwing Court approach to the subdivision is gravel, and according to comment from the Road and Bridge Department the gravel section is very prone to dust emission which may be increased through additional use by future residents within the subdivision.

23. Considering the submitted TIS estimates the Bighorn Drive/Smith Lake Road/Redwing Court approach to the subdivision will attract only 5% or less of the vehicular traffic attributable to Wettington Acres Phase 2 it appears dust impacts on the gravel stretch of Smith Lake Road by subdivision residents would be minimal compared to the amount of dust generated by regular use by the general public.
24. Requiring Redwing Court to be improved and paved to meet applicable county standards appears an appropriate measure to minimize generation of dust and impact to air quality as a result of the subdivision because the road is an internal subdivision road of Redwing Acres which is presently sub-standard, is proposed as a direct point of ingress/egress for the proposed subdivision, and development of the subdivision may result in increased use of Redwing Court from future subdivision residents as well as from cross-traffic by non-residents using the subdivision roads for shorter access across the Smith Valley than presently established.
25. There is no anticipated impact to floodplain because the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.
26. Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to improve sub-standard sections of specifically identified existing roads, mitigate dust onsite, and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to 'impact on the natural environment' would be minimal and acceptable with the imposition of conditions.
27. Some impacts on general wildlife such as deer and other small mammals and birds may be anticipated because the proposed subdivision would be a relatively densely compact residential development resulting in general displacement and removal of open pasture area currently used by non-critical species of wildlife.
28. Adverse impacts of the proposed subdivision on wildlife are not anticipated because the area proposed for development on the property is not specifically used as critical habitat by 'species of concern' which have been identified as being present at certain locations in the general vicinity of the subdivision.
29. The proposed subdivision is not anticipated to introduce adverse impacts to wildlife habitat because the site contains no critical habitat for the 'species of concern' which have been identified in the vicinity of the subdivision according to submitted data from the Montana Natural Heritage Program.
30. The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters, and according to FEMA FIRM Panels 1800G, the subject property is located outside of the 0.2% annual chance flood area.
31. The effects of this proposed subdivision on public health and safety in regard to the proposal for water and wastewater treatment is acceptable because the subdivision and all

Lots would be served by a connection to an existing a public water system subject to high levels of monitoring to ensure safety for users and all individual wastewater treatment systems would be required to be permitted in accordance with applicable regulations aimed at promoting health and safety.

32. The effects of this proposed subdivision on public health and safety in regard to stormwater management appears acceptable because the submitted application includes a stormwater plan whereby stormwater runoff would be contained within a drainage easement and offsite retention pond, would not runoff onto adjacent neighboring private properties or enter into state waters, and the developer will be required to obtain a General Permit for Stormwater Discharges Associated with Construction Activity issued by the MDEQ as there would be more than one acre of ground disturbed through the installation of subdivision improvements.
33. Impacts of the proposed subdivision on the vicinity road network appear to be acceptable because offsite improvements to area roads or intersections called for in the submitted Traffic Impact Study would be completed by MDT and by the developer as proposed, and comments from the Flathead County Road and Bridge Department and the Montana Department of Transportation indicate the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.
34. Minimal risks to public health and safety are anticipated with the imposition of conditions because adequate physical and legal access to the subdivision is currently provided and adequate emergency services are available for the subdivision; there are no areas of the subdivision within the 100-year floodplain; there are no high voltage electric or high pressure gas lines on or around the subject property; and, there are no apparent hazards associated with geology, avalanche, or airport influence areas.
35. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.
36. No variances are requested or required. A three-phase phasing plan has been proposed. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective June 1, 2012 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.
37. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective June 1, 2012.
38. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.
39. Wettington Drive and Swiss Drive via US Highway 2 would provide legal and physical access to the subdivision, and the proposed internal road system which connects to

Redwing Court providing an additional ingress/egress would provide legal and physical access to the individual Lots. The internal road system would be privately maintained, occurring within a 60 foot wide private road and utility easement, and would be constructed and paved in compliance with applicable Flathead County standards.

40. The proposed subdivision is located in an unzoned area of Flathead County is not required to comply with local zoning regulations because no such zoning exists that is applicable to the subject property.

VI. CONCLUSION

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to Findings of Fact stated above, or can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

VII. CONDITIONS

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Smith Valley Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
5. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]

7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Wettington Water District Inc. Community Public Water System, the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
10. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
11. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any

- site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
15. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16, FCSR]
 16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
 17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

18. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 of the Flathead County Subdivision Regulations; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase.
19. A total of 2.11 gross acres (minimum) of land shall be dedicated as parkland and maintained by a Homeowner's Association in accordance with the provisions of Section 4.7.24(d)(ii) FCSR, and shall be designated on the face of the final plat. Should the final plat involve dedication of the proposed 5.24 gross acres it would be recognized that a surplus of 3.13 gross acres has been voluntarily dedicated by the subdivider, and pursuant to Section 4.7.24(c) the surplus dedicated land may be attributed toward applicable parkland dedication requirements of anticipated subsequent subdivisions on the adjacent property currently owned by the subdivider. Note that no additional valuation such as irrigation rights or a public water utility connection are being requested or required by Flathead County, and no additional cash-equivalent valuation beyond actual land dedicated per requirements of Section 4.7.24(d)(ii) FCSR may be attributed toward applicable parkland dedication requirements of anticipated subsequent subdivisions.[Section 4.7.24 FCSR]
20. Prior to Final Plat of the first phase of Wettington Acres Phase 2 (Phase 2A), the draft document entitled 'Wettington Acres Phase 2 Road and Stormwater Drainage Maintenance Agreement' shall be amended to establish that Lot owners of the proposed Wettington Acres Phase 2 shall be required to pay a pro-rata share of road maintenance for the internal subdivision roads and for the shared portion of the existing offsite subdivision roads Wettington Drive, Swiss Drive, and Redwing Court which provide access to the subdivision. [Section 4.7.15(d) FCSR]
21. The proposed extensions and connections of the public water system shall comply with the standards and requirements of the Wettington Water District and the Montana Department of Environmental Quality as applicable. A letter from the District stating that the water utility improvements for each subdivision phase meet

- the District requirements shall be submitted with the application for Final Plat of each phase. [Sections 4.7.20 FCSR]
22. The proposed water supply for fire suppression and hydrants onsite shall meet all applicable requirements set forth in Section 4.7.26(e) of the Flathead County Subdivision Regulations.
 23. Prior to final plat approval of the first phase (Phase 2A) and each subsequent phase (Phases 2B and 2C), the developer shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met. [Section 4.7.20(d) FCSR]
 24. Traffic control signs shall be installed at necessary locations and intersections of the internal road system and the off-site roads providing access to Wettington Acres Phase 2 Subdivision in accordance with the standards outlined in Section 2-05 of the *Flathead County Minimum Standards for Design and Construction* in order to ensure safe and efficient traffic flow to, from, and within the proposed subdivision. [Sections 4.7.16, 4.7.17 FCSR]
 25. The re-construction/paving of off-site roads providing access to the subdivision, including the approximate 200 foot section of Wettington Drive identified in the TIS as being damaged with potholes and cracks and the approximate 550 feet of unfinished Redwing Court and its cul-de-sac, shall be certified by a licensed engineer and constructed and paved in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]